

EXHIBIT D

to

**DECLARATION OF BRITTANY BRANDON IN
SUPPORT OF DEFENDANT CITY AND COUNTY
OF SAN FRANCISCO'S OPPOSITION TO
PLAINTIFFS' MOTION FOR PRELIMINARY
INJUNCTION**

City and County of San Francisco



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Public Works Procedures Manual

Close

Volume 16 Street Environmental Services
Chapter 16-05-0 Special Projects
Procedure Number 16-05-08 Removal-and-Temporary-Storage-of-Personal-Items-Collected-From-Public-Property
Procedure Revision Number REV 03
Responsible Manager ☐ Lau, Peter (DPW)

Purpose

Public Works staff adheres to this policy when removing personal items from public property for temporary storage and retrieval. These procedures are commonly known as "bag and tag." These rules apply to Public Works staff when they are working on City property, as well as when working with another agency or on property under the jurisdiction of another agency (i.e., Caltrans). This policy explains what is attended, unattended and abandoned property and how that property must be treated.

Policy

This written procedure is intended to provide employees the normal operating method to carry out the goals of the department. It is understood field conditions may require a modification of the procedure given below. Employees who repeatedly encounter conditions requiring a change in procedure should notify management so that a revision to this procedure be produced.

Discussion

When Public Works receive a service request and/or request from San Francisco Police Department to collect personal items from the street or sidewalk, Public Works staff must follow the "bag and tag" procedures to collect and store the items.

Procedure

1. Identifying, collecting and storing personal property: unattended personal property

- Upon inspection by street-cleaning staff, unattended personal property – where neither the owner nor anyone who states that they have been designated by the owner to watch the property is present – will be collected and stored for retrieval.
- Except as described below, all unattended personal property that is collected for storage will be bagged and tagged upon collection and taken to the Public Works Operations Yard for storage.
- Only items listed under Section 3, Items that will be discarded, will be discarded immediately. All other items will be removed and stored. Staff will place a post-removal notice in the area from which the items were removed stating how, where and when the items may be retrieved. (See Section 4, Notices.)
- Distinguishing between unattended and abandoned property
 - Temporarily unattended property is different from abandoned property, which may be immediately discarded. In determining if property is abandoned, staff should evaluate the facts and circumstances surrounding the items. Unattended property is not abandoned if it is accompanied by signs of ownership – for example, an unattended tent that is filled with personal belongings or items that are being stored in an orderly manner (i.e., packed up, wrapped or covered) are not abandoned.
 - In addition, if there is a third party present who states they have been designated to watch or secure the items during the owner's temporary absence, the items are not abandoned and are attended property (see below).
 - By contrast, abandoned items are unaccompanied by objective indications of ownership, for example, an empty or broken tent sitting by itself on a sidewalk with no other belongings, a bag of clothes open and strewn across a sidewalk, or items that are broken, disheveled, surrounded by trash or show other signs of neglect.

2. Identifying, collecting and storing personal property: attended property

- Where the property's owner or someone who states that they have been designated by the owner to watch the property is present, that property must be treated as attended property.
- In the case of regular encampment cleaning by the Hot Spots crews or routine cleaning operations (i.e., where individuals are allowed to return to a location following cleaning and there is no permanent removal), staff will provide the owner or the owner's designee with a reasonable amount of time (approximately 30 minutes) to collect and move their belongings out of the public right of way, taking into account any special needs that individuals may have and the volume of belongings.
 - If the owner or the owner's designee fails to collect and move their belongings, staff may either (i) clean around the belongings, or (ii) call the Police Department for assistance to proceed with bag and tag policies. If (ii), under the direction of the San Francisco Police Department, staff will give oral notice that the items will be collected if they are not moved by the owner, and then bag and tag unremoved belongings in accordance with this policy.
 - Prior to bagging and tagging, Healthy Streets Operation Center (HSOC) staff must advise the owner or owner's designee to separate any medications, medical devices, personal identification and legal documents. HSOC staff should also ask the owner or owner's designee to sign the acknowledgement indicating that staff provided this advisement and that they have removed these personal items from the property being bagged and tagged.
 - If attended items are bagged and tagged, staff shall provide the owner or individual designated to watch the items with information on how and where the items may be retrieved from Public Works' storage facility.
- In the case of encampment resolutions, staff should (a) provide the owner or person who is watching the owner's property with a reasonable time (approximately 30 minutes) to collect and move his/her belongings, taking into account any special needs that individuals may

4. Public Works Procedure 16-05-08 (Removal and Temporary Storage of Personal Items Collected From Public Property...
 reasonable time (approximately 30 minutes) to collect and move his/her belongings, taking into account any special needs that individuals may have and the volume of belongings; (b) bag and tag those personal items that the owner or owner's designee cannot or does not remove him/herself; and (c) provide information on how and where the items may be retrieved. HSOC staff must provide the advisement concerning medications, medical devices, and personal identification and documents discussed above in subsection b.

d. Upon request of the San Francisco Police Department, Officers encountering individuals who are, for example, being connected with social services, being asked to clear the public right of way or are subject to arrest, may call on Public Works to collect and store personal belongings. Public Works employees should treat those individuals' belongings as attended items and comply with the rules for attended items above. Officers also may collect personal items themselves and deliver to Public Works for storage consistent with the requirements of this policy.

Note. Staff may discard any attended items the owner affirmatively states that the owner does not want. If there is a dispute between the owner and staff concerning whether an item of property should be discarded, the City will endeavor to photograph the item of property before discarding it. In most cases where there is a dispute, a Public Works supervisor will take the photo. If there is a dispute about the removal of items during HSOC operations and no Public Works supervisor is available to take the photo, the HSOC coordinator will take a photo of the disputed item.

3. Items that will be discarded and not stored

- a. Items that present an immediate health or safety risk, such as:
 - toxic sharps: needles, scissors, knives
 - chemicals: bleach, paint, oils, etc.
 - items (including bedding and clothing) soiled by infectious materials: human waste, body fluids, moldy, mildewed items
 - items infested by rodents and insects: rats, mice, fleas, lice, bed bugs
 - Note: If personal belongings are co-mingled or littered with needles, human waste or other health risks, staff may dispose of the entire pile of belongings and are not required to sort through and attempt to remove the health or safety risks
- b. Perishable items, perishable food.
- c. Contraband, illegal items. Refer to the San Francisco Police Department.
- d. Trash, garbage, and/or debris. This includes property that appears to have been discarded by its owner and broken appliances or broken furniture. If staff has a reasonable doubt as to whether an item constitutes trash, it should be collected and stored.
- e. Abandoned property. Abandoned property is property that does not have any signs of ownership or does not appear to have any value or use. Examples of abandoned property may include such things as a broken tent sitting by itself on a sidewalk with no other belongings, clothes that are strewn across a sidewalk or other area, broken items, and trash.


Note: Shopping carts are governed by Public Works Procedure 16-05-05 (Homeless Shopping Cart Program) and are not subject to this policy. However, personal property inside a shopping cart shall be bagged and tagged in accordance with this policy.


There is no limit to the number or volume of personal items that Public Works will bag and tag for a particular individual, as defined above, that do not otherwise constitute items that will be discarded under this Section 3.

4. Notices


a. Pre-removal notice

For pre-planned encampment resolutions, the HSOC or the San Francisco Homeless Outreach Team (SFHOT-ERT) will provide 72 hours advance written notice, so long as the site does not present any imminent health or safety hazards requiring immediate removal.

Pre-removal notice shall be provided in writing to individuals who are present and posted conspicuously on or near the personal property that will be removed. The notice shall be in a form substantially similar to Attachment A, the pre-removal notice attached to this policy.  16-05-08 - Attachment A.docx

- For regular encampment cleaning conducted by the Hot Spot crews (i.e. where Public Works is cleaning the encampment and individuals are not required to permanently move), HSOC/SFHOT-ERC will provide 24 hours advance written notice, so long as the site does not present any imminent health or safety hazards and no exigent circumstances are present.
- A notice of sidewalk cleaning shall be posted conspicuously in the area of the cleaning. The Notice shall be in a form substantially similar to Attachment B, the notice of sidewalk cleaning attached to this policy. Staff shall photograph all postings and shall document that notice was provided including the time, date, location of the posting.  16-05-08 - Attachment B.docx
- For routine cleaning operations or when responding to 311 service requests, advance written notice is not required; however, to the extent staff encounter encampments in connection with these cleanings, staff shall give persons a reasonable amount of time (approximately 30 minutes) to collect and move their items, taking into account that individuals may have special needs and the volume of belongings.


b. Post-removal notice

After any removal of unattended property, Public Works staff shall place a post-removal notice, including the time, date and location they provided notice. See Attachment C, a sample post-removal notice.  16-05-08 - Attachment C.docx

5. Procedure for collecting personal items storage

Public Works staff is required to wear necessary safety gear and personal protective equipment, and follow the department's code of safe practices for field and yard operations.

Public Works staff is required to follow these procedures when collecting personal items:

- a. Items are assessed for safety under the criteria for collection or for discarding.
 - If items are found to be hazardous or unfit for collection, they are to be discarded.
 - If items are deemed personal property, then they are to be collected following these procedures.
- b. If the owner of the items is present, under the direction of the San Francisco Police Department, staff will give oral notice that the items will be collected if they are not moved by the owner. Staff will comply with the rules set forth above for attended items.
- c. Public Works staff collects the personal items and while in the field documents the collection with a personal property collection bag and tag intake form. Forms are kept with Public Works cleaning staff and zone supervisors. See Attachment D for an example of the form.  16-05-08 - Attachment D.docx

Information collected includes:

- date
 - time
 - location (as specific as possible, address preferred)
 - street address
 - cross street
 - what corner of intersection (if applicable)
 - name of owner of personal items (if property is attended, or if the name is otherwise known because the property is labeled or another individual present provides staff with the name of the owner)
 - brief description of items
 - contact information of owner (if applicable)
 - Public Works staff name
 - Public Works staff supervisor name
 - San Francisco Police Department officer name (if applicable)
 - San Francisco Police Department badge number (if applicable)
 - tag color (corresponds to month)
 - tag number
 - service request number (if applicable)
- d. If owner of the items or a person who says they have been authorized by the owner to watch the property is present but fails to remove their belongings themselves, Public Works staff will provide written and oral information on how, where and when the items may be retrieved. If the property is unattended, staff will place a "Post-Removal Notice" in the area from which the items are removed. The notice will be posted for 24 hours.
- e. Public Works staff delivers the items and the intake form to the Public Works Operations Yard at 2323 Cesar Chavez Street. Items are delivered to the lower yard at the locked "First 72 Hours" storage container.
- If during working hours, Public Works "bag and tag" staff will intake the items for storage, place the items in the "First 72 Hours" storage container, fill out a colored "tag" for the items with the corresponding information from the intake form, and place the tagged items in the 72-hour holding area.
 - If after working hours, Public Works cleaning staff delivering the items will place the items in the "First 72 Hours" storage container, fill out a colored "tag" for the items with the corresponding information from the intake form and place the tagged items in the 72-hour holding area.
- f. When items are dropped off by anyone other than Public Works staff (by the San Francisco Police Department, for example), they must be logged in following the same procedure with a completed form and corresponding colored tag.

6. Temporary storage

Personal items are stored at the Public Works Operations Yard at 2323 Cesar Chavez Street. Other than "bulky items," which are addressed below, the department will store personal items for 90 days. After 90 days, the department will discard unclaimed items.

- a. For the first 72 hours after items are collected and stored, they can be claimed by their owners 24 hours a day.
- Starting from the date and time of the collection of items for three days (72 hours), owners can come to the Public Works Operations Yard at 2323 Cesar Chavez Street any time of the day and retrieve their items.
 - Personal items will be stored in the 72-hour holding area.
- b. After the first 72 hours and up to 90 days from the item collection, owners can come to the Public Works Operations Yard 2323 Cesar Chavez Street, Monday through Friday, 9 a.m. to 3 p.m. to retrieve their items.
- c. Storage of bulky items. Due to the limitations on space in the Public Works Operations Yard, the department will store "bulky items" for 14 days from the date of collection. A "bulky item" is any single item that does not fit in a 60-gallon container with the lid closed. Bulky items include furniture and mattresses. After 14 days, the department will discard unclaimed bulky items. A tent, operational walker, operational wheelchair, operational crutches or operational bicycle will not be treated as a bulky item, and the department will store it for 90 days, as provided above. Public Works is in the process of seeking additional space that will accommodate a longer storage period for bulky items and will update this policy when such space is secured.

7. Procedure for retrieval of personal items

- a. Owners of collected personal property may retrieve their items at the Public Works Operations Yard at 2323 Cesar Chavez Street.
- If collected within the previous 72 hours, owners can retrieve items anytime, day or night. If the items were collected more than 72 hours earlier, the owner may retrieve items Monday through Friday, 9 a.m. to 3 p.m.
 - Owners must provide satisfactory proof of ownership; i.e. describing the location of where the items were and when collected, or describing the specific items that were collected.
 - No government or photo identification is required.
 - There is no fee charged for temporary storage of items.
- b. Owners of the items should arrive at the Kansas Street entrance, at Marin Street.
- Talk to security guard at gate for Public Works or call the Radio Room at 415-695-2134.
 - Owners of the items will wait at the gate for items to be delivered by Public Works staff and will not enter the Operations Yard.
 - Public Works staff will meet with the prospective owners at the gate to coordinate the property retrieval.
 - Owners must sign and date the intake form to designate that the items have been picked up.
- c. If it is Monday through Friday, 9 a.m. to 3 p.m., the Radio Room will notify the Public Works "bag and tag" staff member to perform the procedures for the retrieval and documentation.
- d. If during the first 72 hours and at a time not on a Monday through Friday, 9 a.m. to 3 p.m., the Radio Room will notify the Public Works supervisor on duty to perform the procedures for the retrieval and documentation.
- Prospective owners will describe the items to be retrieved and the location where the owner left the items.
 - Public Works staff will attempt to find the items in storage and the corresponding tag and intake form.
 - Upon confirmation that the items do belong to the owner, staff will deliver the items to the owner at the Kansas Street gate.
 - Staff will compare the tag on the items to the intake form to confirm that all of the items are accounted for.
 - Staff will request that the owner sign and date the intake form to designate that the items have been collected.

- Intake form is filed for documentation in triplicate: white page to log book, yellow page to radio room, pink page given to the owner along with the property.
- e. At no time are members of the public allowed to visit storage area to look for items in the storage area.
- f. Public Works "bag and tag" staff will regularly itemize and organize the stored items.
- After 90 days, unclaimed personal items are discarded. Public Works will discard any bulky items after 14 days. Public Works will record the date of disposal.
 - Intake form is updated to note that the items went unclaimed.

8. Training

Public Works will provide training to all new employees responsible for carrying out this policy as part of the new employee hiring process. Public Works will conduct an annual training on this policy for all employees responsible for carrying out this policy.

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Notes

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